

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

AMAZON.COM, INC., a Delaware
Corporation,

Plaintiff,

v.

DANIEL POWERS, an individual,

Defendant.

No. 2:12-cv-1911

**DEFENDANT DANIEL POWERS'
NOTICE OF REMOVAL**

**TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON**

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332, 1441(a) and 1446,
Defendant Daniel Powers ("Powers") hereby removes this action, initiated in the Superior
Court of the State of Washington for King County, to this Court.

I. REMOVED CASE

1. The removed case is a civil action entitled *Amazon.com, Inc. v. Daniel A. Powers*, Case No. 12-2-34992-4SEA, filed in King County Superior Court on October 26, 2012. *See* Decl. of Keith D. Petrak in Supp. of Def.'s Notice of Removal ("Petrak Decl."), Ex. A ("Complaint").

2. Plaintiff Amazon.com, Inc. ("Amazon"), a Delaware corporation with its principal place of business in Washington, filed the removed action against Powers, a citizen

1 and resident of California. Powers recently resigned from his position at Amazon, and
2 accepted a position at Google, Inc. Amazon seeks to prevent Powers from working at
3 Google, and asserts purported claims for breach of contract and injunctive relief, among
4 others.

5 3. Amazon filed this matter on October 26, 2012. This Notice of Removal is
6 timely filed pursuant to 28 U.S.C. § 1446(b).

7 4. Copies of this Notice of Removal and all other required papers are being
8 served upon plaintiff's counsel and filed with the Clerk of the Superior Court of Washington,
9 County of King, pursuant to 28 U.S.C. § 1446(d).

10 **II. GROUND FOR REMOVAL: DIVERSITY JURISDICTION**

11 5. This Court has jurisdiction over this case on the basis of diversity of
12 citizenship. 28 U.S.C. § 1332. Therefore, this case may be removed to this Court under 28
13 U.S.C. § 1441.

14 6. This Court has original jurisdiction over this action because it is a civil action
15 between citizens of different states and the matter in controversy exceeds \$75,000. *See* 28
16 U.S.C. §§ 1332 and 1441.

17 7. Powers relocated to California in September 2012, and California is now his
18 permanent place of citizenship and domicile.

19 8. Amazon is now, and was at the time the complaint was filed, a resident of
20 Delaware and Washington. Compl. ¶ 9.

21 9. Complete diversity of citizenship exists. *See* 28 U.S.C. § 1441(a).

22 10. The "amount in controversy" requirement is satisfied because Amazon alleges
23 damages in excess of \$75,000, and Powers' compensation at Google during the period that
24 Amazon seeks to prevent him from working at Google will exceed \$75,000.00. Petrak Decl.
25 ¶ 4.

26 11. Accordingly, removal of this case is proper under 28 U.S.C. §§ 1332 and 1441.

1 **III. DEMAND FOR JURY TRIAL**

2 12. Powers hereby demands trial by jury on all issues so triable.

3 DATED this 29th day of October, 2012.

4 BYRNES KELLER CROMWELL LLP

5 By /s/ Keith D. Petrak

6 Keith D. Petrak, WSBA #19159

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12 *Attorneys for Defendant Daniel Powers*

CERTIFICATE OF SERVICE

The undersigned attorney certifies that on the 29th day of October, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and caused copies to be hand delivered to the following:

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/s/ Keith D. Petrak

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